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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/380,111	12/22/2011	Antonia Gebina Le Guevel-Scholtens	2009P00807WOUS	6513

138325 7590 02/01/2017

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ART UNIT	PAPER NUMBER
2128	

NOTIFICATION DATE	DELIVERY MODE
02/01/2017	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ANTONIA GEBINA LE GUEVEL-SCHOLTENS,
MARKUS GERARDUS LEONARDUS VAN DOORN,
and SALOME GALJAARD

Appeal 2016-004634
Application 13/380,111
Technology Center 2100

Before CAROLYN D. THOMAS, JEFFREY S. SMITH, and TERRENCE W. McMILLIN, *Administrative Patent Judges*.

THOMAS, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants seek our review under 35 U.S.C. § 134(a) of the Examiner twice rejecting claims 1–12, all the claims pending in the application. We have jurisdiction over the appeal under 35 U.S.C. § 6(b).

We AFFIRM-IN-PART.

The present invention relates generally to "design tools," and more particularly to "lighting design" (*see* Spec. 1, ll. 2–4).

Claim 1 is illustrative:

> 1. A computer-implemented method for simulating the realization of lighting effects in an environment, the environment comprising devices and associated data for providing lighting effects, the method comprising the steps of:

receiving environment data;

receiving user input indicative of a plurality of desired lighting effects;

receiving data indicative of installable additional devices for providing lighting effects, wherein the data for at least one of said installable additional devices was not previously present in the environment;

generating at least one implementation option to realize each desired lighting effect on the basis of the environment data and the data indicative of installable additional devices;

selecting, for each desired lighting effect having more than one implementation option, one implementation option; and

generating, based on the environment data and the selected implementation option, realization data; said realization data to include data associated with requirements for physically installing required installable additional devices.

Appellants appeal the following rejection:

R1. Claims 1–12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Chemel et al (US 2007/0189026 A1, Aug. 16, 2007) ("Chemel").

Claim Groupings

Based on Appellants' arguments in the Appeal Brief, we will decide the appeal on the basis of claims 1, 6, and 11, as set forth below. *See* 37 C.F.R. § 41.37(c)(1)(iv).

ANALYSIS

Rejection under § 102 over Chemel

Issue 1: Did the Examiner err in finding that Chemel describes "*receiving data indicative of installable additional devices* for providing lighting effects, wherein the *data for at least one of said installable additional devices was not previously present in the environment,*" as recited in claim 1 (emphases added)?

Appellants contend "Chemel merely manages lighting devices that are already in his system's inventory" and "such additional lighting devices of Chemel fail to meet the feature of claim 1 that data for at least one of them is not previously present" (App. Br. 9; *see also* App. Br. 10–11).

In response, the Examiner finds that "<u>an additional device is a device which is added to the simulated environment</u>" and "whether or not the device is in the system's inventory is not the interpretation presented in the claim" (Ans. 3). We agree with the Examiner.

We start by noting that Appellants' Specification does not provide a limiting definition for an "environment." For example, Figure 6 merely shows a model representing an environment and providing environment data for simulation (*see* Spec. 9, ll. 25–31, 10, ll. 25–35). Appellants' Specification further broadly states that an environment is modeled in a simulator, but does not exclude a specific lighting design project within a lighting design system.

We agree with the Examiner's finding that Chemel describes adding lights as objects in the simulation environment that "were not there to begin with, and are therefore 'additional,' and 'the data indicative of installable devices' is interpreted to mean the devices themselves" (Ans. 4; *see also* Ans. 3–4).

For example, Chemel discloses:

> [0200] In an embodiment, a developer *can attach the light system inputs to objects in the computer application*. For example, the developer may have an abstraction of a light system 102 that is

> added to the code construction, or object, of an application object. An *object may consist of various attributes, such as position, velocity, color, intensity, or other values*. A developer can *add light as an instance in the object in the code of a computer application*. For example, the object could be a vector in an object-oriented *computer animation program or solid modeling program*, with attributed, such as direction and velocity. A *light system 102 can be added as an instance of the object of the computer application, and the light system can have attributed, such as intensity, color, and various effects*. Thus, when events occur in the computer application that call on the object of the vector, a thread running through the program can *draw code to serve as an input to the processor of the light system* . . .
>
> [0201] At the step 1202, the programmer codes an object for a computer application, using, for example, object-oriented programming techniques. At a step 1204, the programming *creates instances for each of the objects in the application*. At a step 1208, the programmer *adds light as an instance to one or more objects of the application*. At a step 1210, the programmer provides for a thread, running through the application code. At a step 1212, the programmer provides for the thread to *draw lighting system input code from the objects that have light as an instance*. At a step 1214, the input signal drawn from the thread at the step 1212 is *provided to the light system, so that the lighting system responds to code drawn from the computer application* . . .
>
> [0210] *Simulation* types of computer application are often 3D rendered and have objects with attributes as well as events. A programmer can code events into the application for a simulation, such as a *simulation of a real world environment*. A programmer can also *code attributes or objects in the simulation*. Thus, a program can track events and attributes, such as explosions, bullets, prices, product features, health, other people, *patterns of light*, and the like. The code can then *map from the virtual world to the real world*. In embodiments, at an optional step, the system can add to the virtual world with real world data, such as from sensors or input devices. Then the *system can*

> *control real and virtual world objects in coordination with each other*. Also, by *using the light system as an indicator*, it is possible to give information through the light system that aids a person in the real world environment . . .
>
> [0212] *Solid modeling programs* can have virtual lights. One can *light a model in the virtual environment while simultaneously lighting a real world model the same way*. For example, one can *model environmental conditions of the model and recreate them in the real world* modeling environment outside the virtual environment.

(Chemel ¶¶ 200–201, 210, 212, emphases added). In other words, Chemel describes simulating environments and adding lights to those simulations, as objects with object attributes, which results in adding those lighting effects to the associated real world environments.

Appellants do not provide persuasive evidence or argument that Chemel's addition of lights in a simulation environment, which will light the associated real world environment, does not read on the claimed invention. Thus, we agree with the Examiner's finding that Chemel's addition of lights to a simulation environment describes "*receiving data indicative of installable additional devices* for providing lighting effects, wherein the *data for at least one of said installable additional devices was not previously present in the environment,*" as recited in claim 1.

For at least these reasons, we are unpersuaded the Examiner erred. Accordingly, the Examiner's § 102 rejection of independent claim 1 is sustained.

Appellants have provided no separate arguments towards patentability for commensurate independent claims 8–10 and dependent claims 2–5 and 12 (*see* App. Br. 11). Therefore, the Examiner's § 102 rejection of claims 2–5, 8–10, and 12 is sustained for similar reasons as noted *supra*.

Issue 2: Did the Examiner err in finding that Chemel describes "ranking the implementation options with respect to a predefined quality index," as recited in claim 6?

We concur with Appellants' conclusion that the Examiner erred in finding that Chemel describes the claimed "ranking the implementation options with respect to a predefined quality index" (*see* claim 6).

Here, the Examiner finds that "[w]hile the term 'quality index' may not be used by Chemel, the exact term is not necessary to teach the same idea" (Ans. 6).

As identified by Appellants, the claimed invention requires a "predefined *quality* index" for ranking the implementation options. Appellants' Specification provides examples of a quality index "based on visual properties, an agreement metric or other properties" (Spec. 4, ll. 21–22) such as "the energy consumption per unit time . . . the purchase price . . . the expected useful life of each device . . . or the term of delivery" (*Id.* at ll. 22–25). Consistent with Appellants' Specification, we find that the claimed "predefined quality index" requires *quality* related considerations.

As such, we agree with Appellants that Chemel's priority ranking which describes "conflicting effects for a given group during a given show, the a [sic] higher priority effect takes precedence" (App. Br. 12, citing Chemel ¶ 255) provides a conflict resolution scheme not a "predefined quality index" (*see* App. Br. 12).

Thus, we disagree with the Examiner's finding that Chemel's priority ranking based on a priority field teaches the claimed "*ranking* the implementation options with respect to a *predefined quality index*," as recited in 6.

Accordingly, we will *not* sustain the Examiner's § 102 rejection of claim 6. We will also *not* sustain the Examiner's § 102 rejection of claim 7, which depends on claim 6.

Issue 3: Did the Examiner err in finding that Chemel describes "the realization data are organized according to the following tasks: purchase of devices; wiring; mounting; and programming and operation," as recited in claim 11?

We concur with Appellants' conclusion that the Examiner erred in finding that Chemel describes the claimed "the realization data are organized according to the following tasks: purchase of devices; wiring; mounting; and programming and operation" (*see* claim 11).

Here, the Examiner merely finds that Chemel describes tracking prices and "if the program can track prices and then map them to the real world, the data is 'organized' according to the purchasing of devices" (Ans. 9; *see also* Ans. 8). We disagree with this interpretation.

As identified by Appellants, the claimed invention requires "data related to the task of 'purchase of devices'" (App. Br. 13). Chemel discloses "a *program can track events and attributes, such as* explosions, bullets, *prices*, product features, health, other people, patterns of light, and the like. The code can then *map from the virtual world to the real world*" (Chemel ¶ 210). In other words, Chemel describes tracking prices and mapping the prices tracked to the real world. However, Chemel's tracking of prices is not correlated with the purchasing of devices, and thereby does not necessarily describe the claimed task of purchase of devices.

Thus, we disagree with the Examiner's finding that the claimed "realization data are organized according to the following tasks: purchase of devices . . ." as recited in 11 *reads on* Chemel's tracking of prices.

Accordingly, we will *not* sustain the Examiner's § 102 rejection of claim 11.

DECISION

We affirm the Examiner's § 102 rejection of claims 1–5, 8–10, and 12.

We reverse the Examiner's § 102 rejection of claims 6, 7, and 11.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED-IN-PART